



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 5333**
Karl RODEMER et al. : Docket No. 2004_0479
Serial No. 10/808,415 : Group Art Unit 3682
Filed March 25, 2004 : Examiner Bradley Van Pelt

LUBRICATION DEVICE

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

Sir:

In view of the following remarks, reconsideration of the rejections contained in the Office Action of May 3, 2005 is respectfully requested.

In the outstanding Office Action of May 3, 2005, the Examiner rejected pending claims 1-23 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over the claims of U.S. Patent 6,742,625 (the '625 patent). In particular, the Examiner asserted that the claims of the present application are not identical to the claims of the '625 patent, but are also not patentably distinct and are merely obvious variations in breadth and scope.

Although the Applicants do not acquiesce to the Examiner's position with regard to the claims of the present application, a Terminal Disclaimer has now been prepared and submitted herewith in order to address the double patenting rejections. As the Examiner acknowledged in the Office Action, a Terminal Disclaimer can be used to overcome a non-statutory double patenting rejection. Thus, in view of the submission of the Terminal Disclaimer, it is submitted that the Examiner's double patenting rejections of claims 1-23 have been overcome.

Furthermore, because the Examiner has not set forth any prior art rejection of the pending claims, it is submitted that claims 1-23 are now in condition for allowance.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. However, if the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact the Applicant's undersigned representative.

Respectfully submitted,

Karl RODEMER et al.

By: 

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June 3, 2005



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LUBRICATION DEVICE : Mail Stop Amendment

PATENT OFFICE FEE TRANSMITTAL FORM

Commissioner for Patents
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ACCOUNT NO. 23-0975

Sir:

Attached hereto is a check in the amount of \$65.00 to cover Patent Office fees relating to filing the following attached papers:

Terminal Disclaimer \$65.00

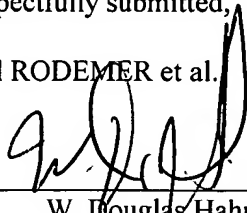
A duplicate copy of this paper is being submitted for use in the Accounting Division, Office of Finance.

The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.

Respectfully submitted,

Karl RODEMER et al.

By


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June 3, 2005

[Check No. 68556]

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